

Data Access Framework

Consent Process Assessment and Customer Consent Engagement Plan

Prepared by:
The Joint Utilities of New York

Case 20-M-0082 – In the Matter of the Strategic Use of Energy Related Data

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Introduction

On April 15, 2021, the New York Public Service Commission (Commission) issued its Data Access Framework Order (DAF Order) which requires the Joint Utilities¹ to file this Consent Process Assessment and Customer Consent Engagement Plan.²

This Consent Process Assessment includes information on each of the Joint Utilities' current processes for customers to consent to sharing data with third parties, an assessment of the DAF standardized consent requirements (SCR), and identification of consistencies and differences among the utilities. The Customer Consent Engagement Plan includes information on how the Joint Utilities will communicate consent options to their customers.

Obtaining customer consent for sharing their data is a vital component of any data access initiative. Customers must understand what they are sharing, how it will be shared, and why it is being shared, especially considering trends toward permitting people to better understand what data companies have stored about them, where it is shared, when it is shared, and the ability to opt out of sharing. In fact, there are currently ten data privacy bills in the New York State legislature that look at some form of consent.

¹ Consolidated Edison Company of New York, Inc. (Con Edison), Orange and Rockland Utilities, Inc. (O&R), Central Hudson Gas & Electric Corporation (Central Hudson), National Fuel Gas Distribution Corporation (National Fuel), The Brooklyn Union Gas Company d/b/a National Grid NY, KeySpan Gas East Corporation d/b/a National Grid, and Niagara Mohawk Power Corporation d/b/a National Grid (individually and collectively, National Grid), New York State Electric & Gas Corporation (NYSEG), and Rochester Gas and Electric Corporation (RG&E).

² Case 20-M-0082, *In the Matter of the Strategic Use of Energy Related Data* (IEDR Proceeding), Order Adopting a Data Access Framework and Establishing Further Process (issued April 15, 2021) (DAF Order).

Consent Process Assessment

The following Consent Process Assessment includes details on how each utility currently manages customer consent to share data with third parties including an assessment of the DAF SCR and utility consistencies and differences.³

In this document, the term “third party” is used to include any non-utility entity that requests or obtains access to customer data, including, but not limited to, energy service companies (ESCOs), distributed energy resource suppliers (DERS) and energy service entities (ESEs), rate consultants, non-profit organizations, and government institutions.

As described above, obtaining customer consent before sharing their data is pivotal. Depending on the circumstances, consent is either obtained directly by a third party working with the customer or directly by the utility. The Consent Process Assessment provides detailed information regarding the customer consent processes directly managed by the Joint Utilities for the specific platforms noted in Sections 1, 2, and 3. These sections cover customer awareness of their ability to consent to sharing their data, options, forms, processing time, success rates, and consistencies and differences among the Joint Utilities. Section 4 describes instances where third parties directly manage the process of obtaining and recording customer consent to share their data.

1. Green Button Connect My Data

Green Button Connect (GBC) My Data is an open-data standard that enables utility customers to authorize a third party to access the customer's interval meter usage and billing data.⁴ The Commission ordered certain utilities to adopt GBC as a customer data sharing protocol in recent years and has generally promoted development of GBC capabilities in the Reforming the Energy Vision (REV) proceeding and related proceedings.⁵

The Joint Utilities, except for Central Hudson and National Fuel, have either implemented or are implementing GBC. **Central Hudson** has Green Button Download (GBD) available on its website and is currently undertaking replacement of its Customer Information System where integration with this system is critical to any future adoption of GBC.⁶ **Central Hudson** and **National Fuel** are therefore not included in this section.

³ In addition to the platform-specific consent processes described herein, each utility also has a general privacy policy on its website that addresses issues related to how the utility manages its customer data.

⁴ See U.S. Department of Energy, “What is Green Button?” available at <https://www.energy.gov/data/green-button>

⁵ See, e.g., Case 14-M-0101, *Proceeding on Motion of the Commission in Regard to Reforming the Energy Vision*; and Case 16-M-0411, *In the Matter of Distributed System Implementation Plans*.

⁶ GBD provides the same data sets as the Green Button Connect My Data (CMD) standard.

1.1. Customer Consent Awareness

Con Edison and **O&R** include information regarding GBC on their public websites, branded as “Share My Data,” with separate content tailored for customers⁷ and prospective third parties.⁸ In their My Account portal, Con Edison and O&R customers are made aware of their options to share their data with third parties and a Share My Data FAQ page⁹ advises customers on what sharing data means, how to share their data with third parties via the Share My Data tool, what data is shared by the utility and for how long, and associated privacy considerations. In addition, Con Edison promotes awareness of the Share My Data tool to customers via e-mail blasts and at Advanced Metering Infrastructure (AMI) technical forums. **National Grid** adds a notification on its web landing page,¹⁰ as well as within the customer’s My Account, to promote awareness. **NYSEG** and **RG&E** are currently in the process of designing their GBC experience and therefore GBC is not being promoted to customers at this time.

1.2. Customer Consent Options

Con Edison, **O&R**, and **National Grid** facilitate GBC customer consent via their web-based customer My Account portals. See Figure 1 for an example of how this appears on the Con Edison website. **NYSEG** and **RG&E** are still working on the design of their GBC processes and have not finalized consent options yet.

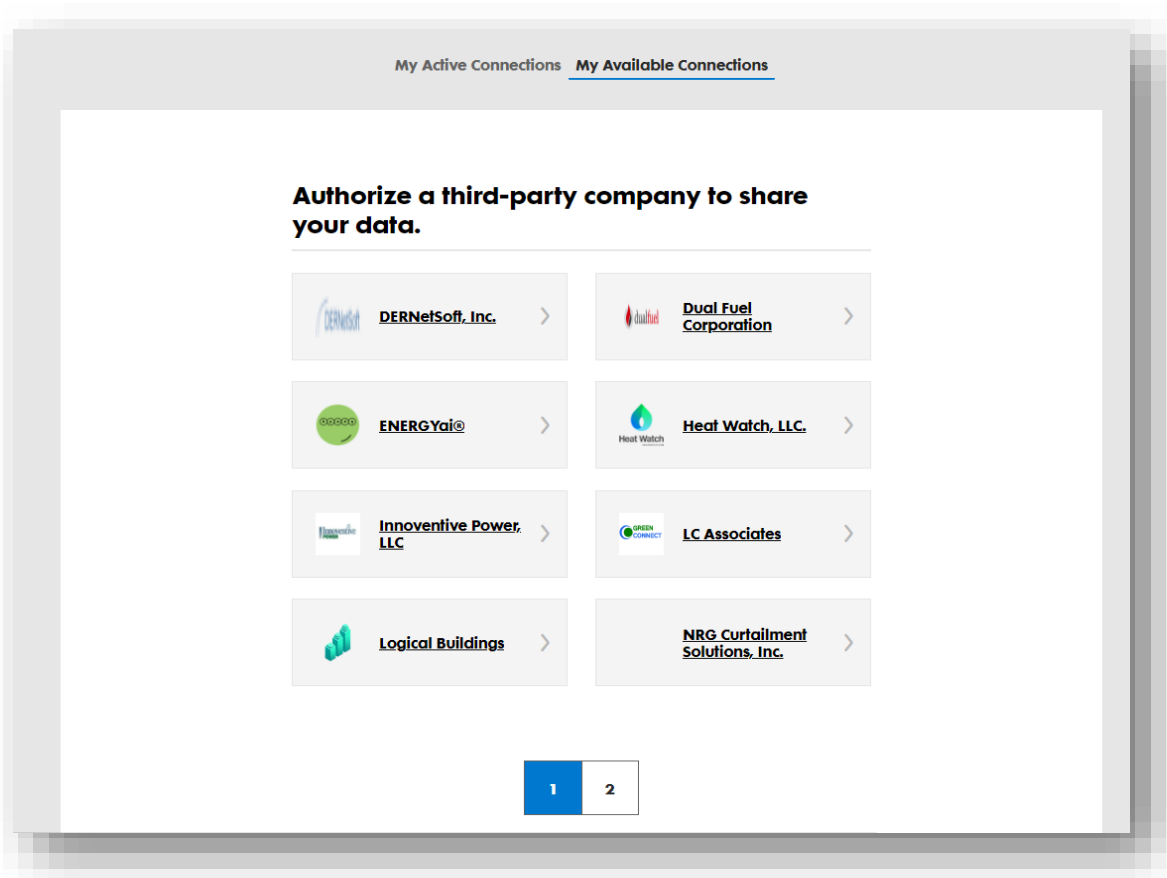
⁷ Available at <https://www.coned.com/en/accounts-billing/share-energy-usage-data/share-my-data> ; Share My Data | Orange & Rockland (oru.com)

⁸ Available at <https://www.coned.com/en/accounts-billing/share-energy-usage-data/become-a-third-party>; Become a Third-Party Company | Orange & Rockland (oru.com)

⁹ Available at <https://www.coned.com/en/accounts-billing/share-energy-usage-data/share-my-data/share-my-data-faq>; <https://www.oru.com/en/accounts-billing/share-energy-usage-data/share-my-data/fq>

¹⁰ Available at <https://www.nationalgridus.com/Upstate-NY-Home/More-Efficiency-Solutions/green-button-connect>

Figure 1. Example of Share My Data Tool in Con Edison My Account



1.3. Customer Consent Form

Con Edison, O&R, and National Grid customers must log in to their respective My Account portals and provide the following information in order to consent to data sharing via GBC:

- Select a third party to share data with (list available for selection based on third parties onboarded at each utility)
- Select the utility account for which they would like to share data
- Indicate length of time for which the consent is valid
- Check acknowledgment form with terms and conditions (T&C) to confirm they understand the process (see Figure 2)
- Indicate type of data to be shared (per the GBC protocol this process is completed at the third party's website)

NYSEG and RG&E are still working on the design of their GBC processes and have not finalized the customer consent form yet but expect that it will be similar to what is described above for Con Edison, O&R, and National Grid.

Figure 2. Con Edison Share My Data Customer T&C

Share My Data Terms and Conditions

The purpose of this form is to allow you to exercise your right to choose whether to disclose your personal electricity and gas usage data and basic customer information through the Share My Data program. Once you authorize a third party to access your personal information, you are responsible for ensuring that the third party safeguards the personal information from further disclosure without your consent. By checking the box on your Share My Data connections page, you agree that you have read, understood, and authorize Con Edison to release the requested information on your account(s) to the designated Third Party, and you hereby release, hold harmless, and indemnify Con Edison from any liability claims, demands, causes of action, damages or expenses resulting from:

1. Any release of information to your designated Third Party pursuant to this Authorization and Agreement
2. The unauthorized use of this information by the designated Third Party
3. Any actions taken by the Third Party pursuant to this Authorization and Agreement

You also understand that you may cancel this authorization at any time by returning to My Account. Finally, you can consent to receive transactional emails regarding this authorization.

[View Your Connections](#)

1.4. Customer Consent Process Time

Utility	Consent Process Time
Con Edison	Consent is processed within an hour of the customer completing the steps on both the utility and the third party's website.
O&R	
National Grid	
NYSEG/RG&E	Consent process time is expected to be similar to the other utilities.

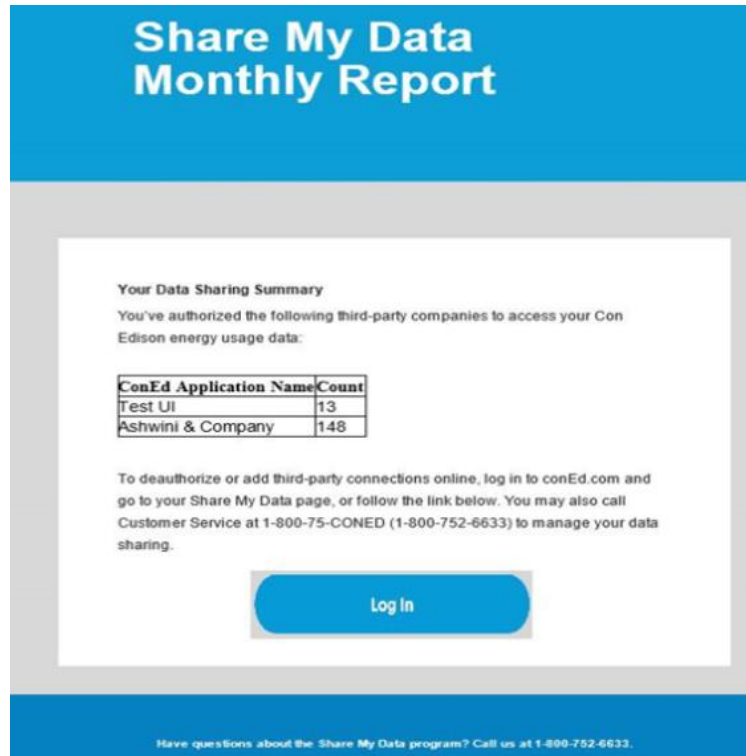
1.5. Customer Consent Success Rate

Utility	Consent Success Rate
Con Edison	Customers proactively seek to consent to sharing data via GBC, therefore measurement of how many customers complete consent is not applicable. The utilities are not aware of any failures once a customer completes the process. The utilities cannot track the number of customers that begin the consent process on a utility or third-party website but do not complete the process.
O&R	
National Grid	
NYSEG/RG&E	In the process of designing the GBC platform, which will likely be similar to the other utilities, only tracking completed authorizations.

1.6. Consistencies and Differences

In general, Con Edison, O&R, and National Grid are consistent in their implementation of GBC. One difference is that Con Edison and O&R remind customers that they are sharing data via the Share My Data tool once a month via email. This email indicates which third parties the customer has consented to share data with, how many times in the past month the third party(ies) have accessed the customer's data, and how the customer can deauthorize the third party, as shown in Figure 3.

Figure 3. Example of Con Edison Share My Data Monthly Report e-mail



2. Third-Party Access to My Account

In response to stakeholder feedback in 2019, Con Edison launched a Third-Party Access to My Account (TPMA) platform that allows third parties to request customer permission to access and perform transactions on the customer's behalf in the Company's My Account portal. The TPMA platform provides a simple means for authorized third parties to access customer account and usage data (once approved by the customer as described below) and does not require the technical sophistication of GBC or other data sharing platforms like Electronic Data Interchange (EDI).

2.1 Customer Consent Awareness

Con Edison does not promote its TPMA platform with customers directly, however third parties are made aware of this service via:

- 1) Information on the Company's website explaining how to sign up;¹¹ and
- 2) When working with Con Edison to access customer data.

To further raise awareness regarding this offering, Con Edison plans to share information regarding TPMA during future events/meetings targeted at large customers and third parties (e.g., rate consultants, DERS).

2.2 Customer Consent Options

Third parties create a profile for My Account and subsequently can request access to customer accounts using a portal designed for the management of customer requests on the TPMA platform.¹² As described below, customer consent is facilitated via e-mail and recorded on Con Edison's system. Customers can change their approvals (e.g., end their authorization for a given third party) at any time in the My Account portal.

2.3 Customer Consent Form

When a third party requests access to a customer's account, an email (see Figure 4) is sent to the customer's email address on file. The customer must open the email and click on the "Review Request" button, which takes them to a dedicated web page (see Figure 5). Once this is done, the customer must click "Allow" or "Deny" on the website. Access to a given account is only granted after the customer clicks "Allow."

The TPMA terms and conditions are linked in the webpage above and also available on Con Edison's public website.¹³ As noted above, customers can change their TPMA approvals (e.g., end their authorization for a given third party) at any time in the My Account portal.

¹¹ Available at <https://www.coned.com/en/business-partners/access-customer-data>

¹² Available at <https://www.coned.com/en/register/third-party-pre-register>

¹³ Available at <https://www.coned.com/en/accounts-billing/terms-of-use>

Figure 4. Example Con Edison TPMA Customer Consent E-mail Notification

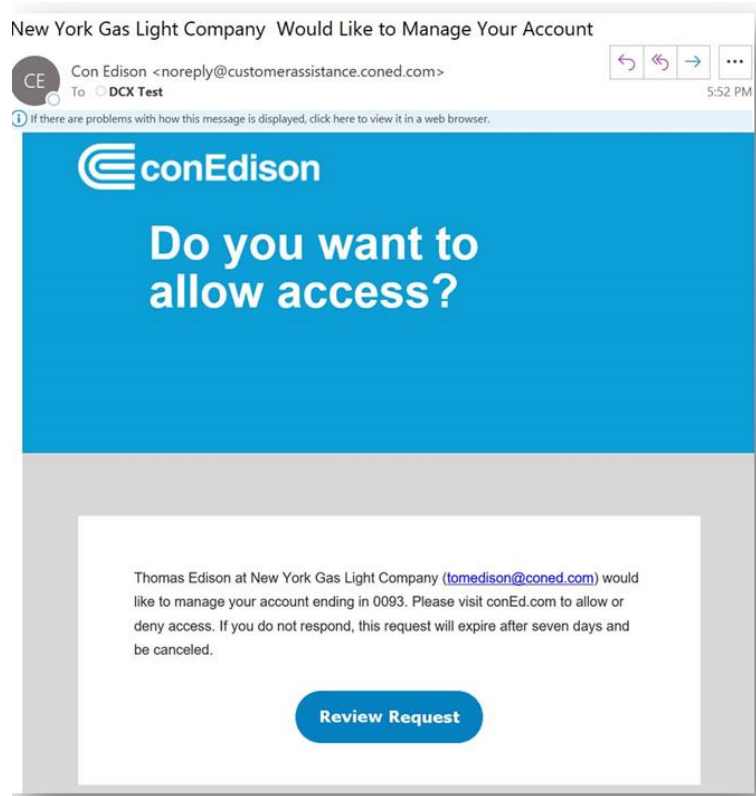
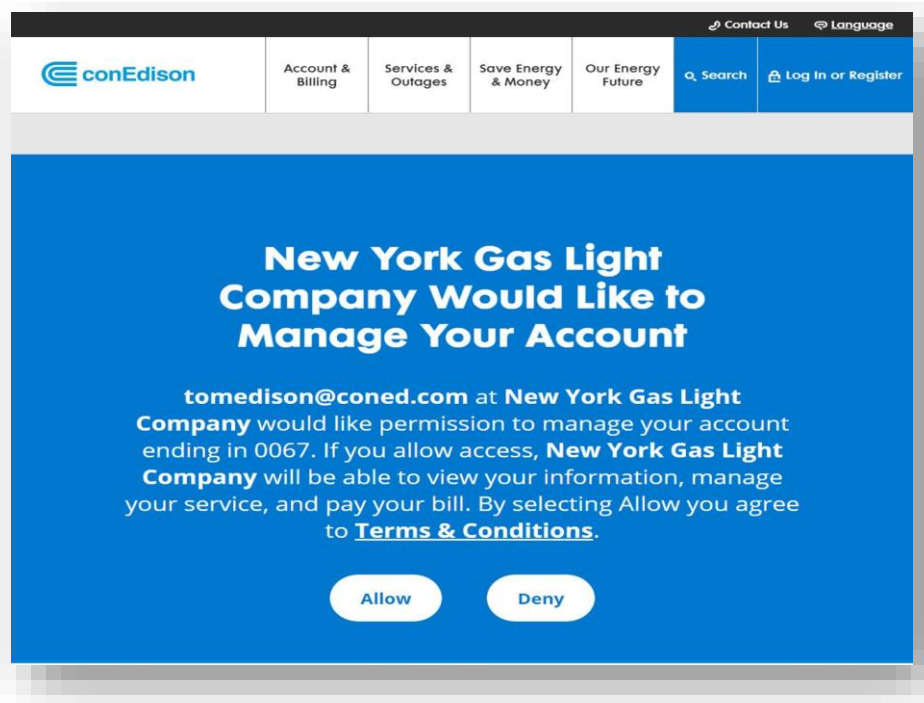


Figure 5. Example Con Edison TPMA Customer Consent Webpage



2.4 Customer Consent Process Time

The timing of customer consent actions is not within Con Edison's control. However, once the customer clicks "Allow" or "Deny," the consent is processed within an hour.

2.5 Customer Consent Success Rate

To date, the TPMA platform has over 265 third parties enrolled, including, but not limited to, rate consultants, billing/accounting firms and low-income housing assistance agencies, with more than 85,000 customer accounts being co-managed by customers and third parties.

It should be noted that utilization of the TPMA tool is at the discretion of third parties and therefore Con Edison does not have influence over how many customers may grant access to third parties in My Account. Con Edison is not aware of any data sharing or access failures once a customer completes the process and does not currently track the number of customers that begin the consent process but do not complete it.

2.6 Consistencies and Differences

Con Edison is currently the only utility providing this service to third parties.

3. Pilot Integrated Energy Data Resource Platform

The Commission authorized the development of the Pilot Integrated Energy Data Resource (PIEDR) Platform to allow DER companies to query anonymized data to identify potential candidates for energy storage and other DER.¹⁴ Further, the PIEDR provides third parties with an opportunity to query a database and then request specific customer consent to reach out to customers that meet its query results. O&R is the only utility providing data to the PIEDR, which is sponsored and managed by the New York State Energy Research and Development Authority (NYSERDA).

3.1 Customer Consent Awareness

O&R advises customers about the PIEDR and explains how a customer can consent to share its data via this channel on the utility's website at [Distributed Energy Resource Programs | Orange & Rockland \(oru.com\)](https://www.oru.com).

3.2 Customer Consent Options

When a DER company requests access to customer information in the PIEDR, O&R mails a permission form to the customer on behalf of the DER company (see Figure 6). The permission form explains the customer's options for sharing data with DER companies and how the PIEDR supports New York State's clean energy goals.

¹⁴ Case 18-E-0130, *In the Matter of Energy Storage Deployment Program*, Order Establishing Energy Storage Goal and Deployment Policy (issued December 13, 2018), p. 84.

Customers have four options to share their data with authorized DER companies as follows:

1. Yes to this requesting company.
2. Yes to this requesting company, and yes to any other requesting company
3. No to this requesting company
4. No to this requesting company, and no to any other requesting company

Once O&R receives the customer's response, O&R uploads the response in the PIEDR. The PIEDR administrator then notifies the DER company of the customer's response and acts accordingly.

3.3 Customer Consent Form

As noted above, the permission form offers customers four options for sharing data with authorized DER companies via the PIEDR. A customer who returns the form and elects one of the four consent options must provide the account holder's name, signature, and the preferred contact method (*i.e.*, email, phone, or mail) if the customer elects to share its data. A secure PIN provided in the form can be used by the customer to respond electronically. Figure 6 shows the customer PIEDR Permission Form.

Figure 6. O&R PIEDR Customer Permission Form

You Can Help Build a Clean Energy Future

[CUSTOMER NAME]
[CUSTOMER ADD LINE 1]
[CUSTOMER ADD LINE 2]

Hello [CUSTOMER NAME],

Secure Pin: [xxxxxx]

Orange and Rockland is participating in an important pilot program (coordinated with New York State's Department of Public Service and New York State Energy Research and Development Authority (NYSERDA)) which will support a Distributed Energy Resource, or DER, company's outreach to potential customers. A DER company may offer a variety of technology, like small scale energy storage or power generated from solar, or may facilitate participation in energy efficiency or load management programs. The adoption of these technologies and programs may financially benefit you and may help New York meet its ambitious clean energy goals.

NYSERDA has funded and created a secure database, pursuant to a New York Public Service Commission order, which a DER Company may query to find customers who may benefit from one or more of its products. This database does not allow access to a customer's identifiable utility account information without the express consent of the utility customer. Rather, the DER Company can match your anonymous electric usage information with its criteria for finding potential customers. To better determine whether a customer is a good fit for these products or services, DER companies are seeking the customer's permission to access and analyze your past, present and future protected identifiable account information, including but not limited to: your name and street address, electricity consumption (kWh) data, service class, details about your utility service (voltage, phase(s), substation, circuit), business code (if you are a commercial customer), and whether you are already using a distributed energy resource. O&R is facilitating this request for consent to release this protected identifiable account information by mailing letters to the potential customers on behalf of a DER Company.

Please be assured that DER companies currently do not have any of your protected identifiable account information, nor do they have anything that would enable them to identify you. This is why O&R is reaching out to you. [DER COMPANY NAME] is requesting your permission to view your data as listed above.

Please respond by completing the form on the back and mailing it back in the enclosed envelope or emailing it to DERPlatform@oru.com. If no response is received, your information will not be shared and access to your protected account information will continue to remain inaccessible to DER companies.

Your response, either granting or not granting permission, will help inform New York State on how to meet its ambitious clean energy goals to help fight climate change, reduce harmful air pollution, and promote New York State's progress toward a diverse, reliable, and carbon-free energy supply.

Permission Form

Account Holder Name: [CUSTOMER NAME]

Secure Pin: [xxxxx]

Account Holder Signature:

Please Check One of the Following

- ☐ **Yes to this requesting company.** I authorize Orange & Rockland to provide the requesting DER Company with access to my protected identifiable account information. This information will be disclosed solely to enable the DER Company to evaluate the potential value to me of one or more of their Distributed Energy Resource products and/or services. The DER Company does not have my permission to provide my information to any other entity or to use my information for any other purpose.
- ☐ **Yes to this requesting company, and yes to any other requesting company.** I authorize Orange & Rockland to provide access to my protected identifiable account information to the requesting DER Company and any other DER Company that requests access through this program. This information will be disclosed solely to enable the DER Companies to evaluate the potential value to me of one or more of their Distributed Energy Resource products and/or services. Any DER Company that accesses my protected account information does not have my permission to provide my information to any other entity or to use my information for any other purpose.
- ☐ **No to this requesting company.** I do not authorize Orange & Rockland to provide the requesting DER Company with access to my protected identifiable account information.
- ☐ **No to this requesting company, and no to any other requesting company.** I do not authorize Orange & Rockland to provide the requesting DER Company, or any other DER Company, with access to my protected identifiable account information. Furthermore, until I state otherwise, I do not want Orange & Rockland to send me any more permission requests that are associated with this program.

If you check either of the first two boxes, please enter your preferred time(s) and method(s) of communication. For example "phone" and your phone number, "email" and your email address, or "mail" and your mailing address. Information provided below will not change any information currently retained by O&R for the conduct of O&R's business.

If you check either of the last two boxes, your feedback will be read, is desired, and is valuable. If you are comfortable, let us know your reasoning for your choice.

You may terminate this consent at any time by sending a written request to DERPlatform@oru.com.



3.4 Customer Consent Process Time

Once O&R receives a customer's written consent, the response is uploaded to the PIEDR within a few business days.

3.5 Customer Consent Success Rate

As of September 13, 2021, no authorized DER company has requested customer consent to access the customer's data and no customer has proactively consented to share their data in the PIEDR.

3.6 Consistencies and Differences

O&R is the only utility currently participating in the PIEDR.

4. Consent Collection by Third Parties

In addition to the scenarios listed in Sections 1-3, there are other utility data sharing mechanisms for which utilities are not responsible for collecting consent to share customer-specific data. These data sharing mechanisms include:

- 1) EDI and utility Retail Access web portals;
- 2) Demand Response (DR) program portals;
- 3) Building owners/agents for building or tenant-level data, in limited circumstances; and
- 4) Ad hoc / manual data requests outside of a data sharing platform.

The utility is not involved in customer consent for these data sharing mechanisms and has no knowledge of the third-party consent process(es) that may be in use by which customers have consented to share data with a third party, except in the cases explained below in Sections 4.3 and Sections 4.4.

The Uniform Business Practices (UBPs) for ESCOs (UBP-ESCOs)¹⁵ governs the release and protection of customer information to and by ESCOs, as further explained in Section 4.1 below.¹⁶

In general, Section 2C of the [Uniform Business Practices \(UBPs\) for DER Suppliers \(DERS\)](#) (UBP-DERS)¹⁷ governs the release and protection of customer information to and by third parties other than ESCOs via electronic data interchange (EDI). To date, the UBP-DERS have not been amended by the Commission to incorporate the definition of an energy services entity (ESE) as outlined in the

¹⁵ Case 98-M-1343, *In the Matter of Retail Access Business Rules*, Order Adopting Revised Uniform Business Practices (issued January 19, 2018).

¹⁶ Central Hudson and National Fuel do not offer GBC and do not seek customer consent for utility services outside of the customer application process. Central Hudson and National Fuel recognize and endorse their obligation to facilitate customer consent for ESEs that provide competitive non-utility services.

¹⁷ See Case 15-M-0180, *In the Matter of Regulation and Oversight of Distributed Energy Resource Providers and Products*, Order Establishing Oversight Framework and Uniform Business Practices for Distributed Energy Resource Suppliers (issued October 19, 2017), as amended by Order Expanding Uniform Business Practices for Distributed Energy Resource Suppliers (issued March 14, 2019).

DAF Order, or other third parties that may request access to customer-specific data.¹⁸ Pursuant to the UBP-DERS, the utility assumes a DERS has obtained consent if the DERS requests information for a specific account number. The UBP-DERS requires the DERS to explain to the customer what data, if any, will be requested from the customer's utility and how the data will be used. The DERS must also provide a link to its data privacy policies. When the customer grants consent, the DERS is responsible for recording that consent and keeping the information for two years.

The Joint Utilities do not educate customers about data sharing options where the third party is responsible for collecting customer consent unless necessary on a case-by-case basis. Following is a brief description of each of the non-utility data sharing options listed above.

4.1 EDI and Retail Access Portals

For over 10 years, the Joint Utilities have utilized multiple data sharing channels to facilitate ESCO access to, and participation in, the Retail Access market. The oldest of these systems, EDI, is a transaction-based, machine-to-machine data exchange that, among other things, allows ESCOs to request historical usage and account information regarding individual customers. To supplement EDI, the Joint Utilities also developed web portals for ESCOs that allow them to access customer information on an account-by-account basis.

As required by the UBP-ESCO, utilities presume that the ESCO has obtained customer consent to share data if the EDI or web portal request is accompanied by a valid customer account number. Information is automatically shared with the requesting ESCO in both EDI and the Retail Access web portals once the account number is entered, so the Joint Utilities do not review these information requests prior to fulfilling them.

The Joint Utilities are required by the UBP-DERS to allow third parties other than ESCOs to obtain access to customer-specific information via EDI, provided that the third party signs a Data Security Agreement (DSA), including the self-attestation that they comply with required cyber security requirements, and is able to successfully test and connect with a given utility's EDI platform. Similar to ESCOs, third parties receiving information via EDI are presumed to have obtained customer consent if their request for information is accompanied by a valid utility account number.

In addition, **NYSEG¹⁹ and RG&E²⁰** also allow DERS, energy efficiency vendors/contractors, non-residential customers, or agents thereof to gain access via their Retail Access web portals. Third parties requesting access are required to sign a DSA which includes the self-attestation to ensure compliance with cyber requirements. Below is the consent for NYSEG which third parties must check and consent to. RG&E's requirements are the same.

¹⁸ Energy Services Entities (ESEs) - Any entity (including, but not limited to, ESCOs, DERS, and Community Choice Aggregation (CCA) Administrators) seeking access to energy related data from the data custodian, for the purposes defined under the access requirements. This does not include entities, such as utility contractors, who are performing a service for the utilities. See IEDR Proceeding, DAF Order, App. A, p. 6.

¹⁹ Available at <https://ebiz1.nyseg.com/escoweb/escologin.aspx>

²⁰ Available at <https://ebiz1.rge.com/escoweb/escologin.aspx>

Terms of Access to Customer History

By checking the box below, I represent and warrant that I am (i) an Energy Services Company (ESCO)/Distributed Energy Resource (DER) Provider, or an agent thereof, qualified to do business in the State of New York and approved by NYSEG to operate in NYSEG's service territory, or (ii) a NYSEG non-residential customer or an agent thereof. I further represent and warrant that I have obtained customer authorization to retrieve the requested customer history. I represent and warrant that I am acting in accordance with the New York State Uniform Business Practices and also in accordance with applicable State Public Service and Commerce laws pertaining to the acquisition and use of proprietary customer data. I am aware that I must provide proof of customer authorization at any time for a period of up to two years from obtaining said customer authorization for this information and I hereby agree to fully indemnify NYSEG and the customer for any unauthorized release or use of any customer data that I or my agents or assigns access through use of this site.

National Grid, Central Hudson, and National Fuel also provide certain access to non-ESCOs entities to their Retail Access portals.²¹ **Con Edison and O&R** do not grant non-ESCOs access to their Retail Access web portals.

4.2 Demand Response Portals

Con Edison provides demand response (DR) aggregators with a portal – referred to as the Demand Response Management System (DRMS) – where aggregators can access a limited amount of customer-specific information for enrolled accounts. Only registered aggregators are granted access to DRMS. As outlined in the UBP-DERS, the DR aggregator is responsible for collecting customer consent to share energy data, and Con Edison presumes that the DR aggregator has obtained such consent if they enter a customer-specific account number in the DRMS platform.

4.3 Building Owner or Agent Requests

A building owner or its authorized agent may request aggregated annual electricity and/or gas usage data for the building and may also request tenant-level data. There are two scenarios in which building owners/agents would need to request customer consent to access this data:

- 1) Building owner/agent requires individual customer consent to request *aggregated* usage data for a building that does not pass the Commission's 4/50 privacy standard²² and is not covered by local benchmarking law.
- 2) The building owner/agent requires individual customer consent to request *tenant-level* data.

²¹ For National Fuel, this applies to limited end-use customers and their agents, and local producers.

²² An aggregated data set privacy screen of 4/50 requires that the data include at least four customers with no one customer accounting for more than 50 percent of the total consumption.

For all the Joint Utilities, the building owner/agent is responsible for obtaining a Letter of Authorization (LOA) signed by all tenants and submitting it to the utility along with the data request. The utilities do not obtain consent directly from the customer. Third parties can submit an LOA with the data request to **O&R** and **National Grid** via the utility's Customer Contact Portal, mail, or fax, and by email for **Con Edison** and **National Fuel**. **NYSEG** and **RG&E** require third parties to submit an LOA via email using the "Contact Us" form or by mail. **Central Hudson** accepts LOAs by fax, mail and email and the email may be attached to the contact me feature on Central Hudson's website.

4.4 Ad Hoc Requests

Third parties including, but not limited to, rate consultants, building management firms, contractors, or community distributed generation (CDG) developers/sponsors may request information about a specific customer account or set of customer accounts on an as-needed basis. The Joint Utilities do not currently make customers aware of their ability to consent to share their data with third parties under an ad hoc scenario because it is done on a case-by-case basis at the request of a third party.

For **Con Edison**, **O&R**, **National Grid**, **NYSEG**, and **RG&E**, the third party is responsible for obtaining a LOA signed by the customer and submitting it to the utility along with the data request. The LOA must be signed by the residential customer or, for commercial customers, by an officer of the organization that holds the account.²³

In general, the LOA must include at a minimum the following:

- customer name;
- address or account number;
- data requested;
- third party requesting information; and
- customer signature.

In addition, the LOA for **National Grid's** CDG/DG requests must be on the third party's letterhead and include a designee name, while the LOA for C&I customer data must also include the customer address and account number, customer email, customer phone number, and date range of interval data requested. For **Con Edison**, **O&R**, **National Grid**, **National Fuel**, **NYSEG & RG&E**, and **Central Hudson** the length of time to provide data depends on the specific request as it is a manual process.

²³ Con Edison, O&R, National Grid, National Fuel, NYSEG & RG&E, and Central Hudson do not have a process to obtain such consent directly from the customer. Third parties can submit a LOA with the data request to O&R via the utility's Customer Contact Portal, email, mail, or fax, and only by email for Con Edison. For National Grid, third parties can submit a LOA directly via the nCAP portal's "contact us" function: <https://ngus.force.com/s/> or via email. NYSEG and RG&E require third parties to submit a LOA via email using the "Contact Us" form or by mail.

5. Standardized Consent Requirements (SCR)

The DAF Order required an assessment of the Joint Utilities' consent processes as compared to the nine SCRs defined therein. The following subsections include a description of each SCR and provides individual or joint utility responses. It is important to note that these SCR responses are limited to consent processes over which the Joint Utilities have control and therefore can assess if an SCR is being met.

SCR#1 Customer Consent Options

Requirement: Consent process must be available in two options – web-based and non-web-based. For clarity, the web-based option is outside of the customer's ability to consent via GBC. The non-web-based option must include the ability for a customer to sign a form and return it to the utility or the ESE for processing, such as via mail, fax, or e-mail. A customer must have the ability to provide their consent by whichever means they have available.

Data Access Mechanism	Utilities	Web-based	Non-web-based
GBC	Con Edison, O&R, National Grid	My Account Portal	N/A
	NYSEG/RG&E	My Account Portal	TBD
Third Party My Account	Con Edison	Link to website in e-mail to accept/reject	No
PIEDR	O&R	N/A	email, mail
GBD	Central Hudson	Online Customer Portal	Email, mail

SCR#2 Consent Language

Requirement: Consent language and requirements must be universal, with each utility only customizing for inclusion of their company name. Language and consent requirements, when possible, shall not substantively differ between the web-based and non-web-based process.

Data Access Mechanism	Utilities	Universal Consent Language?	Consistency web and non-web consent language?
GBC	Con Edison, O&R, National Grid	No	No – only web-based consent
	NYSEG/RG&E	TBD	TBD
Third Party My Account	Con Edison	N/A	No – only web-based consent
PIEDR	O&R	N/A	N/A

SCR#3 UBP Requirements

Requirement: Consent process shall comply with the applicable UBP requirements regarding customer consent, including, but not limited to, providing the information in a customer's native language.

Third parties, including DERS and ESCOs, and any other third party to which the UBPs are applicable, are required by the Commission to comply with the UBPs. This includes third parties' responsibility to comply with requirements to provide information to customers in their native language. The Joint Utilities do not oversee UBP compliance but do generally require third parties to agree to UBP compliance in various agreements, including the DSA.

SCR #4 GBC Standard

Requirement: When using GBC, the consent process should be compliant and certified to the Green Button Standard.

Utility	GBC Compliant	Certified to GBC Standard ²⁴
Con Edison	Yes	In Progress
O&R	Yes	In Progress
National Grid	Yes	In Progress
NYSEG/RG&E	Yes	In Progress
Central Hudson	N/A	N/A
National Fuel	N/A	N/A

SCR #5 Alternative Verification

Requirement: Customers will be allowed to consent to share their data by the means of an alternative verification technique, such as two-factor authentication, and shall not be required to use their utility account number to consent, with the exception of consent consistent with UBP requirements.

On July 14, 2021, the Joint Utilities submitted the Alternative ID filing with the Commission in accordance with the DAF Order. That filing describes the Joint Utilities review and proposal of implementing alternative means for customers to consent other than by use of their account number. The chart below identifies whether there are alternatives to the account number for existing data sharing mechanisms.

²⁴ Only London Hydro is GBC certified. U.S. utilities have considered it but found it cost-prohibitive.

Data Access Mechanism	Utilities	Alternative Verification Method?	Required Customer Account #?
GBC	Con Edison	No	N/A
	O&R	No	N/A
	National Grid	No	No
	NYSEG/RG&E	TBD	TBD
Third Party My Account	Con Edison	No	N/A
PIEDR	O&R	No	N/A

SCR #6 Consent Form

Requirement: Consent form must provide customers with information on type of data being shared, who is receiving data, for what purpose, and length of consent. The length of consent should be consistent with the UBP requirements when consent has been received for providing commodity service. Consent to share data without service will not require an end date but must include annual consent notification to the customer.

Data Access Mechanism	Utilities	Type of Data	Who Receives Data	Purpose of Data Use	Consent Length	UBP Commodity Service Consistency?*
GBC	Con Edison	Yes	Yes	Yes	Yes	N/A
	O&R					
	National Grid	TBD	TBD	TBD	TBD	N/A
	NYSEG/RG&E					
Third Party My Account	Con Edison	Yes	Yes	Yes	Yes	N/A
PIEDR	O&R	Yes	Yes	Yes	No	N/A

*This is not applicable to the customer consent processes managed by the Joint Utilities.

SCR #7 Revoke Consent Option

Requirement: Consent process must allow customers the ability to easily revoke consent.

Data Access Mechanism	Utilities	Revoke Consent Option(s)
GBC	Con Edison	My Account portal
	O&R	My Account portal
	National Grid	My Account Portal
	NYSEG/RG&E	TBD
Third Party My Account	Con Edison	My Account portal
PIEDR	O&R	e-mail

SCR #8 Additional Purpose Consent

Requirement: Require additional consent for any purpose outside what the original consent was obtained for.

Data Access Mechanism	Utilities	Additional Consent?
GBC	All	No
Third Party My Account	Con Edison	No
PIEDR	O&R	No*

*O&R does not ask for consent outside of the stated purpose in the original consent form. Prior to using the Platform, the ESE must agree to the Terms and Conditions which state that the ESE will use all queries and results solely for the purposes of identifying potential customers for a specific DER product offered by the ESE.

SCR #9 Additional ESE Consent Options

Consent process must allow customers an option to share with all authorized ESEs, a subset of authorized ESEs, as well as the ESE seeking consent.

Data Access Mechanism	Utilities	Additional ESE Consent
GBC	Con Edison, O&R, National Grid, NYSEG/RG&E	Customers can share their data with multiple third parties on the GBC platform, but the GBC standard requires customers to consent to data sharing with third parties one at a time. In other words, under the GBC standard, customers cannot consent to sharing with more than one third party in a single transaction.
Third Party My Account	Con Edison	Customers may grant access to multiple third parties to view/manage their account but cannot do so in a single transaction. (This is because the request for consent is initiated by the third party.)
PIEDR	O&R	Customers have four options to share their data with authorized ESEs as follows: <ol style="list-style-type: none">1. Yes to this requesting ESE.2. Yes to this requesting ESE, and Yes to any other requesting ESE3. No to this requesting ESE.4. No to this requesting ESE, and No to any other requesting ESE

Customer Consent Engagement Plan

As previously described, the utilities, when possible, have been advising customers and third parties of the availability of options to share data, and the appropriate consent levels required. The Customer Consent Engagement Plan includes communication and engagement plans to increase customers' familiarity with data sharing options under an opt-in approach managed by the Joint Utilities as directed by the Commission. Third parties play a major role in driving customers to use data sharing tools. The Joint Utilities and third parties each provide a different function in the customer engagement process – making customers aware of their options to consent to data sharing is not synonymous with targeting customers to share their data.

The customer consent landscape is evolving, and new data sharing tools such as the Integrated Energy Data Resource (IEDR) will be introduced in the near future.²⁵ The Joint Utilities will focus their initial engagement plan on the data sharing mechanisms described in the Consent Process Assessment - GBC, TPMA, and PIEDR. The customer education and outreach campaigns can be adapted as needed when new data sharing mechanisms requiring utility customer consent management are developed (*e.g.*, the Joint Utilities will fold in IEDR consent options once available).

Communications & Outreach

Customer communications and outreach efforts will be focused on sending messages to customers regarding options to share data safely and securely with registered third parties using tools offered by their utility. The outreach campaign is intended to educate customers on how to consent to share their data through GBC (Con Edison, O&R, National Grid, NYSEG, RG&E), TPMA (Con Edison), and PIEDR (O&R) and not on the consent options managed by third parties, such as the consent process for EDI. Utilities are currently at varying stages of implementing GBC, so the timing of outreach laid out in this plan will vary based on when the individual utility's GBC platform is up and running.

A critical part of the communications and outreach efforts is making customers aware of their option to control how third parties access their data. To maintain customer trust, enforcement of UBP by the Commission must also be used to limit the impact of bad actors.

The objective of the Customer Consent Engagement Plan is to educate customers regarding their options for sharing data via a utility annual campaign spread across multiple communications platforms. The proposed outreach plan includes an annual email, newsletter (if applicable), bill message/insert, and bi-annual social media posts. Sample messaging may include:

²⁵ Customer consent requirements are changing with changes to the privacy landscape. A number of states have adopted legislation similar to the California Consumer Protection Act and New York currently has ten privacy related bills pending. The Joint Utilities expect that any passed legislation will affect these efforts.

- **Email/Newsletter:** [utility name] provides way(s) for you to consent to share your energy information safely and securely with third-party companies so they may offer you a tailored solution that helps to meet your individual energy needs. Third-party companies can provide insights and recommendations that could help you save energy and money while you control how your data is seen. Third parties can help you choose energy efficient appliances, find the right light bulbs for your home or office, or suggest improvements in your heating and cooling systems - improvements that can make a big impact on your monthly energy bill. We recommend researching third-party companies before connecting with them to make sure they meet your needs. For more information see <Insert FAQ> or contact us. Sign up to share your data and save <Insert link to sign up>
- **Bill Message/Social Media Post:** Safely and securely sharing your energy information with third-party companies may help you save money on your monthly energy bill. Find the solution that will help you meet your individual energy needs by taking control of how third parties can see your usage information and help you save. For more information, go to <Insert FAQ> or contact a contact us. Sign up to share your data and save in My Account.

In addition, utilities will have a dedicated webpage with frequently asked questions (FAQs), which customers can visit year-round to obtain information on data sharing options. Call Center representatives will also undergo data sharing consent training to better serve customers who call in with questions.